
**BZA-1819
VULCAN LANDS, INC.
Special Exception**

**STAFF REPORT
May 19, 2011**

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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Joseph Bumbleburg, is requesting a special exception to continue a previously approved mining operation (BZA-1463). The existing special exception permits mining until June 2011, from 6 a.m. until 5 p.m., Monday through Saturday. This special exception will extend operations to June 2021. Mining on this site is almost complete and petitioner has approval from the state to mine additional state land across Swisher Road. Processing of material will continue at the current location, thus the need to extend the special exception approval date. The property is located at 5070 Swisher Road, roughly 1 mile southwest of SR 225 in Prophetstown State Park, Tippecanoe, Burnetts Reserve Section 5, 24-4. (UZO 3-2)

AREA ZONING PATTERNS:

This site is currently zoned Industrial (I3). A rail line borders the northwest edge of the property. This rail line is the boundary of the Burnett's Creek Flood Plain zone to the north. The three remaining sides are bordered by I3 zoning except for a small portion of Agricultural (A) zoning across Swisher Road. This A zoning abuts the southernmost corner of the site.

Petitioner was granted a special exception for a mining operation in April of 1998, (BZA-1463) with a condition that the mining operation would end by June 2008. Later in 1998 a variance was granted to eliminate the buffers on the north, east, and west sides of the site (BZA-1472).

A new special exception and variance was sought and granted in 2007 (BZA-1739 & 1738) because Vulcan did not renew its Improvement Location Permit (ILP). Also at this time the special exception mining area was expanded into the setback to the southwest. The reason for this request was to allow mining continuously in a parcel owned by the state. The mining approval was extended until June 2011.

AREA LAND USE PATTERNS:

This site is located adjacent to land owned by the state which is currently undeveloped. The Indiana Department of Natural Resources plans to incorporate this property into Prophetstown State Park when mining and reclamation is complete.

There are a handful of homes located south and southwest of the site in question which will remain owner-occupied for a period of time even though they are within the boundaries of Prophetstown State Park. Northwest of the site a elevated railroad and

North 9th Street exist between this site and a row of houses.

TRAFFIC AND TRANSPORTATION:

Swisher Road is classified as a secondary arterial in the County's *Thoroughfare Plan*. Traffic counts taken in 2010 along Swisher Road average 972 vehicles ADT (Adjusted Daily Total). Swisher Road is the only access to this site and the only access into Prophetstown State Park.

Petitioner has been in contact with the county highway department about a culvert and conveyor belt under Swisher Road. The conveyor belt would move material from the proposed site to the existing site.

STAFF COMMENTS:

Petitioner has almost finished mining on the special exception site, but has indicated that they have approval from DNR to mine an area south of the site and across Swisher Road owned by the state. This land is not included in the special exception request since it is owned by the State of Indiana and exempt from the county ordinance. Vulcan would like to continue to process the gravel at the special exception location, thus the need for the extension of the original request. The approval of this request will allow petitioner to process gravel mined on state-owned property across the road, at this current location. Once all the mining is completed the lake that remains will include all of the property being mined. According to the reclamation plan, the state has plans to divert Swisher Road around the lake once it is completed.

Petitioner's representative stated that there are plans to put a berm around their new borrow pit on the state-owned property; however since it is owned by the state, there are no required reclamation plans for this part of the operation.

At its meeting on April 6th, 2011, the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for this use in the I3 zoning district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. The site meets all the requirements of the ordinance concerning buffering, setback and reclamation. This site meets these requirements by either having them in place or by getting a variance to exclude them.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. There are only a few remaining residents within the

boundaries of Prophetstown State Park. Continuing to permit the processing of gravel on the site will not adversely affect any additional residents along Swisher Road.

4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: At this time, Swisher Road is not a busy roadway. Traffic counts taken in 2010 show only 972 cars daily (ADT). The state will realign Swisher around the lake once mining is complete.
 - b. Placement of outdoor lighting: the only lighting mentioned on the petition is security lighting.
 - c. Noise production: Noise created from this operation would be similar to a farming operation and not change from what is already happening; however the proposed landscape berms, could reduce noise heard off-site.
 - d. Hours of operation: hours of operation will be from 6 a.m. to 5 p.m. Monday through Saturday which are standard business hours.

STAFF RECOMMENDATION:

Approval, with the following conditions:

1. The mining operation must be completed by June 20, 2021; and
2. Per UZO 4-11-4 (c), the submitted reclamation plan must be amended and recorded prior to June 1, 2011; and
3. When the mining operation ceases, petitioner will have three years in which to reclaim the properties per the approved and recorded reclamation plan.